

TEXAS STATE BOARD OF EXAMINERS OF MARRIAGE AND FAMILY THERAPISTS



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MINUTES

Friday, January 22, 2021

The Texas State Board of Examiners of Marriage and Family Therapists met via Zoom video conference on January 22, 2021. The following Board members were in attendance: Lisa Merchant, PhD, LMFT, Chair; Russell F Bartee, PhD, LPC-S, LMFT-S; Kenneth Bateman, EdD, LPC-S, LMFT-S; George Francis, IV, MBA; Evelyn Husband-Thompson; Daniel Parrish; Anthony Scoma, DMin; Jeanene L Smith, MA, LPC, LMFT-S; and Richmond Stoglin, MPA, DMin, LMFT. Also, in attendance were Darrel Spinks, BHEC Executive Director; Tim Speer, BHEC Director of Operations; Patrick Hyde, BHEC General Counsel; Brian Clark, TSBEMFT Attorney; and Sarah Faszholtz, TSBEMFT Board Administrator.

1. The meeting was called to order at 8:33 a.m. by Chair Merchant.
2. The Board considered Item 2: approval of December 11, 2020 minutes of the videoconference Board meeting. Mr. Francis made the motion to approve the minutes. Dr. Bateman seconded the motion. The minutes were approved unanimously.
3. The Board considered Item 3: Discussion and possible action preparation and maintenance of meeting minutes or recording of each open meeting per Texas Government Code, §§551.021 and 551.022. Mr. Francis made the motion to retain a video recording with transcript as well as minutes for each meeting. Ms. Smith seconded the motion. The motion carried.
4. The Board considered Item 4: Discussion and possible action regarding the Board's complaint and enforcement functions. Reports were given, discussion occurred, and no action was taken.
 - A. Report from staff and discussion and possible action on status of open complaints.
 - B. Report from staff and discussion and possible action on compliance activities.
 - C. Discussion and possible action regarding complaint trends.
 - D. Update from Board attorney regarding enforcement cases.
 - E. Report from Ethics Committee Chair Rev. Dr. Scoma. Rev. Dr. Scoma gave the report.
5. The Board considered Item 5: Discussion and possible action regarding application, licensure and supervision issues. Discussion occurred, report was given, Chair Merchant called for a future meeting of the Licensing Standards Committee, and no action was taken.
 - A. Discussion and possible action regarding update to applications and forms.
 - B. Discussion and possible action concerning licensing matrices.
 - C. Report from Licensing Standards Committee Chair Dr. Merchant. Dr. Merchant called for Committee meeting on February 11, 2021, for review of §801.142(4) *Supervised Clinical Experience Requirements and Conditions*, concerning excess graduate internship calculation and award; §801.143(a)(2) *Supervisor Requirements*, regarding eligibility of AAMFT supervisor candidate; and §801.204 *Licensing of Military*

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Service Members, Military Veterans, and Military Spouses, relating to development of matrix of military training or experience.

6. The Board considered Item 6: Discussion and possible action regarding jurisprudence exam. Discussion occurred, report was given, and no action was taken.
 - A. Discussion and possible action concerning the quarterly summary from the Texas State Board of Examiners of Marriage and Family Therapists' Jurisprudence Exam vendor.
 - B. Discussion and possible action related to changes in the Board's Jurisprudence Exam.
 - C. Report from Professional Development Committee Chair Dr. Bateman. Dr. Bateman gave the report.
7. The Board considered Item 7: Discussion and possible action regarding rules:
 - A. Discussion and possible action regarding recommendation to the Texas Behavioral Health Executive Council (Executive Council) of amendment to 22 Texas Administrative Code (22 TAC) §801.142(1)(A)(i) *Supervised Clinical Experience Requirements and Conditions*, concerning 500-hour maximum of direct clinical services via technology-assisted services. Rev. Dr. Scoma made the motion to recommend to the Council the publication of proposed rules similar to Psychologists' Board's §463.14 *Remedy for Incomplete License Requirements* that allow an applicant to petition the Council for waiver of certain licensure requirements if specified conditions are met, including the failure or inability to meet the prerequisite was due to a disaster declared under Chapter 418 of the Government Code or under similar authority in another jurisdiction. Mr. Francis seconded the motion. The motion carried.
 - B. Discussion and possible action regarding United States Department of Education's February 26, 2020 letter concerning final regulations relating to the accreditation of institutions of higher education considering changes to rules that include " regionally accredited " school or program as found in 22 TAC §801.2(1) *Definitions*, Accredited institutions or programs; §801.112(3) *General Academic Requirements*; and §801.113(b) *Academic Requirements*. No action was taken.
 - C. Discussion and possible action concerning Commission on Accreditation for Marriage and Family Therapy Education's (COAMFTE's) reduction in minimum practicum requirements and possible amendments to rules found in 22 TAC §801.114(a)(7) and (b)(8) *Academic Course Content*; and §801.142(4)(A) and (B) *Supervised Clinical Experience Requirements and Conditions*. No action was taken.
 - D. Discussion and possible action regarding changes to rules concerning maximum of 15 continuing education hours for LMFT and six continuing education hours for LMFT Associate delivered through a learning format that does not accommodate real-time interaction, found in 22 TAC §801.263 concerning *Requirements for Continuing Education*. No action was taken.
 - E. Report from Rules Committee Chair Mr. Francis. Mr. Francis gave the report, including Council action to adopt as proposed §801.204 *Licensing of Military Service Members, Military Veterans, and Military Spouse* as well as rules that affect all member boards: §§881.21 *Petition for Rulemaking* and 885.1 *Executive Council Fees*.
8. The Board considered Item 8: Discussion and possible final action on agreed orders, default orders, and final orders in enforcement cases. There were none.
9. The Board considered Item 9: Discussion and possible action concerning Board's strategies for communication to stakeholders and stakeholder engagement. Chair Merchant called for an Outreach Committee. Members of the Committee include Dr. Merchant, Mr. Parrish, and Ms. Smith. Alternate committee members include Mr. Francis and Rev. Dr. Scoma.
10. The Board considered Item 10: Report from the Board Chair. Dr. Merchant gave the report, including information concerning interstate compacts.
11. The Board considered Item 11: Report from the Board's Delegates to the Texas Behavioral Health Executive Council. Mr. Francis and Ms. Smith gave the report with additional information from Director Spinks,

including the Council's plan to form a Standardization Work Group to standardize operations, where possible, across all four member boards; the Council's first quarter performance measures; and request for attorney general opinion (RQ-0391-KP).

12. The Board considered Item 12: Report from the Board Administrator. Ms. Faszholz gave the report, including reminder that all MFT applications must be submitted via the Council's Online License/Renewal System, beginning February 1, 2021, and reminder that renewal wallet cards are available for a fee, but no longer automatically provided for each licensee's renewal.
13. The Board considered Item 13: Discussion and possible action regarding future priorities and activities of the Board. There were none.
14. The Board opened Item 14: Public comment:
 - A. Jason Martin, PhD, LPC-S, LMFT-S, Texas Association of Marriage and Family Therapy (TAMFT), thanked the Board for the opportunity to provide public comment; appreciated the Board's attention and diligence; welcomed Mr. Parrish to the Board; thanked Dr. Bateman for his service to the Board; echoed support for prohibition of sexual relationship with former client, since a power differential continues between a therapist and former client that persists beyond seven years; understood difficulty enforcing this prohibition and hoped Board would review and find solution to retain that prohibition; hoped Board would continue to look for opportunities to assist LMFT Associates in counting hours accrued through technology-assisted services – if only for the unprecedented extenuating circumstances of the last year regarding COVID-19; reported agencies, counseling centers, and practices that traditionally have provided face-to-face services were forced to go online; agreed permanent change was not recommended but accommodation for this disaster and this past year's extreme challenges was called for.
 - B. James Herriot, member of the Government Liaison Committee of the Christian Counselors of Texas, appreciated the Board's work and thanked the Board.
 - C. Pamela Bermender, LMFT-S, representing the Christian Counselors of Texas' Governmental Liaison and Continuing Education Committee, appreciated opportunity to provide public comment; thanked Dr. Bartee for agreeing (before his appointment to the Board) to present ethics session at upcoming conference in February; encouraged future board member presentations; supported limit to non-interactive continuing education with waiver during declared state of emergency; acknowledged the Board's diligence and intentionality to not dilute or compromise Texas standards.
15. The Board considered Item 15: Executive Session. There was none.
16. The Board considered Item 16: Discussion and possible action regarding pending or contemplated litigation or settlement offers. There were none.
17. The Board considered Item 17: Announcements and comments not requiring Board action. Christian Counselors of Texas Annual Conference is to be held February 18 to 20, 2021. Texas Association for Marriage and Family Therapy (TAMFT) Annual Conference is to convene March 4 to 6, 2021. Dr. Bartee is presenting at both conferences. Dr. Merchant and Dr. Bateman is presenting at TAMFT conference. The Board is scheduled to meet April 16 and July 23. The Council is scheduled to meet May 4.
14. The meeting was adjourned at 12:33 p.m. by Chair Merchant.